REMARKS

Claims 1-8, 10-18, 38 and 40-44 are currently pending in the subject application.

In this Amendment "B", Applicant has amended independent claims 1, 38 and 40. Reconsideration of the Application in its current format is respectfully requested.

In the Office action, the Examiner has rejected claims 1-8, 10-18, 38 and 40-44 on the grounds of nonstatutory double patenting over claims 1-30 of U.S. Patent No. 7,107,186. In response to this rejection, Applicant files herewith a terminal disclaimer with regard to U.S. Patent No. 7,107,186. Please charge the $130 fee set forth in 37 CFR §1.20(d) for filing the terminal disclaimer to our Deposit Account No. 050877.

The Examiner has also rejected claims 1-8, 10-18, 38 and 40-44 on the grounds of nonstatutory double patenting over claims 5-16 and 27-34 of U.S. Patent Application No. 10/699,217. In response to this rejection, Applicant files herewith a terminal disclaimer with regard to U.S. Patent Application No. 10/699,217. Please charge the $130 fee set forth in 37 CFR §1.20(d) for filing the terminal disclaimer to our Deposit Account No. 050877.

The Examiner has rejected claims 1-8, 10-18, 38 and 40-44 under 35 U.S.C. §103(a) as being unpatentable over PCT Application No. WO 00/072145 to Apfelbaum et al. in view of an article entitled "The Application of Intelligent Systems in Power Transformer Design" by Luiz Geromel et al. The Examiner has also rejected claim 44 under 35 U.S.C. §103(a) as being unpatentable over the Apfelbaum et al. application and the Geromel et al. reference and further in view of U.S. Patent No. 6,304,095 to Miyamoto. Applicant traverses these rejections for at least the reasons set forth below.

Applicant submits that the Apfelbaum et al. application fails to show or suggest

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independent claims 1, 38 and 40 for at least the reasons set forth in Applicant's Amendment "A" filed on July 21, 2006. For purposes of brevity, Applicant will not repeat these reasons, but hereby incorporates them by reference. Applicant, however, once again notes that the Apfelbaum et al. application discloses a method of analyzing a finite state machine model of a bank machine system and not a transformer. In addition, all of the "test results" disclosed in the Apfelbaum et al. application are for tests performed on a single finite state machine model and not on a plurality of physical devices, let alone a plurality of transformers. Thus, the Apfelbaum et al. application fails to even remotely suggest using test results from a plurality of transformers, as is recited in the claims.

In addition to the reasons set forth above and in the Applicant's Amendment "A" filed on July 21, 2006, Applicant submits that the Apfelbaum et al. application fails to show or suggest counting the number of test results that do not satisfy the predetermined or retrieved criteria, and generating an indication only if at least a predetermined quantity of the test results do not satisfy the predetermined criteria, as is presently recited in amended independent claims 1, 38 and 40. The passage of the Apfelbaum et al. application cited by the Examiner only discloses generating a report showing test results. There is no counting of failed test results and no generation and display of an indication that is dependent thereon. For at least this additional reason, the Apfelbaum et al. application fails to show or suggest independent claims 1, 38 and 40.

The Geromel et al. reference merely discloses a method for developing a design for a transformer using artificial neural networks. The Geromel et al. reference does not

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disclose counting failed test results or generating and displaying an indication based thereon. Thus, the Geromel et al. reference, at a minimum, fails to cure the deficiency of the Apfelbaum et al. application described above. Moreover, the Examiner has not provided a proper motivation for combining the Geromel et al. reference with the Apfelbaum et al. application. The Geromel et al. reference discloses developing a design for a transformer, whereas the Apfelbaum et al. application discloses analyzing a finite state machine model for a bank machine. These are two disparate activities that have no commonality.

Applicant submits that the Miyamoto patent fails to cure (and is not cited as curing) the deficiencies of the Apfelbaum et al. application and the Geromel et al. reference with regard to independent claim 40, from which claim 44 depends.

For at least the foregoing reasons, Applicant submits that independent claims 1, 38 and 40 and, thus, the claims depending therefrom are patentable over the Apfelbaum et al. application, the Geromel et al. reference and the Miyamoto patent, individually and in combination.

Based on the foregoing, it is respectfully submitted that the present application is in a condition for allowance and notice to that effect is hereby requested. If it is determined that the application is not in a condition for allowance, the Examiner is invited to initiate a telephone interview with the undersigned attorney to expedite prosecution of the present application.

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If there are any additional fees resulting from this communication, please charge

the same to our Deposit Account No. 050877.

Respectfully submitted,

ABB Research Ltd.

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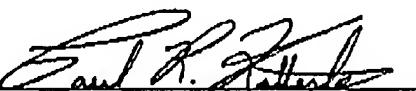
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